

**CALENDAR ITEM
C45**

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S 1

06/29/15
PRC 4909.1
B. Terry

AMENDMENT OF LEASE

LESSEE:

Tahoe Donner Association

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Donner Lake, adjacent to 12914 and 12993 Donner Pass Road, near the town of Truckee, Nevada County.

AUTHORIZED USE:

Continued use and maintenance of two floating docks, a boat launch ramp, swim area, one swim float, and three speed marker buoys.

LEASE TERM:

49 years, beginning May 1, 1974.

CONSIDERATION:

\$5,752 per year, with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease.

PROPOSED AMENDMENT:

Amend the Lease to:

1. Revise the annual rent from \$5,752 to \$3,477
2. Replace two existing floating docks with two larger floating boatdocks;
3. Increase the size of the swim area;
4. Replace Exhibit B, Land Description, of the third amendment of the lease with the attached Exhibit A, Land Description;
5. Replace Exhibit A, Site and Location Map, of the third amendment with the attached Exhibit B, Site and Location Map (for reference purposes only); and
6. Include additional special lease provisions related to the replacement of the two floating docks.

All other terms and conditions of the lease shall remain in effect without amendment.

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OTHER PERTINENT INFORMATION:

1. Lessee owns the uplands adjoining the lease premises.
2. On June 6, 1974, the Commission authorized a 49-year Non-Commercial Lease with Dart Resorts, a division of Dart Industries. That lease will expire on April 30, 2023. On June 24, 1976, the Commission authorized an assignment of the lease, to the Tahoe Donner Association (Association) and at the time amended Section 4, Paragraphs 1 – 30 of the lease, to bring covenants and conditions to current standards. On February 27, 1998, the Commission authorized a second amendment for the retention of an additional existing floating dock, modification of the lease area, and the annual rent. On December 10, 2010, the Commission authorized the retention of an existing swim area, one swim float, three speed marker buoys, the revision of rent from \$1,208 to \$5,752, and revision of the surety amount from \$2,000 to \$10,000.
3. The Association has applied to amend its lease to replace the two existing floating docks with two larger floating docks and increase the swim area. Currently one end of the swim line is anchored midway off the east side of the larger floating dock with the other end anchored on shore. The Association is proposing to relocate the swim line anchor from the middle of the dock to the waterward end of the dock to improve safety.

The proposed replacement docks will be constructed off site; therefore, there will be no construction within the lease premises. The docks are only placed in the lake during the summer months. During winter months, the docks are detached from the anchors, floated to the Association's boat ramp, and removed from the lake. The dock sections are disconnected and transported to the Association's parking lot for storage. The process is reversed when the docks are placed back in the lake.
4. The rent review is due and, as part of the amendment of the lease, the rent is being reviewed as outlined in the lease. The revised rent includes the proposed larger docks and swim area, and a reduced impact area.
5. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; California Code of Regulations, Title 2, section 2905, subdivision (c)(1).

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Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

FURTHER APPROVALS REQUIRED:

Town of Truckee
California Department of Fish and Wildlife

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 3, New Construction of Small Structures; California Code of Regulations, Title 2, section 2905, subdivision (c)(1).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize the amendment of Lease No. PRC 4909.1, a Non-Commercial Lease, effective May 1, 2015, to revise the rent from \$5,752 per year to \$3,477 per year; replace two existing floating docks with two larger floating docks; increase the swim area; replace Exhibit B, Land Description, of the third amendment of the lease with the attached Exhibit A, Land Description; replace Exhibit A, Site and Location Map, of the third amendment of the lease with the attached Exhibit B, Site and Location Map, (for reference purposes only); and include additional special lease

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provisions related to the replacement of the two floating docks; all other terms and conditions of the lease will remain in effect without amendment.

EXHIBIT A

PRC 4909.1

LAND DESCRIPTION

Eight parcels of submerged land lying in the filled bed of Donner Lake, situate adjacent to Section 18, T17N, R16E, MDM, as shown on the official U.S. Government Township plat approved December 20, 1865, Nevada County, State of California, more particularly described as follows:

PARCEL 1: (Dock No. 2)

A strip of land 9.75 feet wide, the centerline of which is described as follows:

BEGINNING at a point being the intersection of the centerline of an existing dock with the line of that certain course, N39°15'00"W 158.95 feet, as described in Exhibit C of Boundary Line Agreement 145 recorded in Book 702 Page 502, Official Records of Nevada County, said point bears S39°15'00"E 51.02 feet, more or less, from the northwesterly terminus of said course; thence from said point of beginning along the centerline of said dock and the prolongation thereof S70°31'09"W 37.26 feet to the terminus of said centerline.

The sidelines of said strip shall be prolonged or shortened as to commence at that certain course, N39°15'00"W 158.95 feet, as described in said Exhibit C and terminate at a line perpendicular to the terminus of said centerline.

EXCEPTING THEREFROM any portion of land lying landward of the southwesterly boundary of Parcel C as described in said Exhibit C.

PARCEL 2: (Dock No. 1)

A strip of land 9.75 feet wide, the centerline of which is described as follows:

BEGINNING at a point being the intersection of the centerline of an existing dock with the line of that certain course, N39°15'00"W 158.95 feet, as described in Exhibit C of Boundary Line Agreement 145 recorded in Book 702 Page 502, Official Records of Nevada County, said point bears S39°15'00"E 108.88 feet, more or less, from the northwesterly terminus of said course; thence from said point of beginning along the centerline of said dock and the prolongation thereof S65°10'16"W 71.95 feet, thence S24°49'44"E 19.50 feet to the terminus of said centerline.

The sidelines of said strip shall be prolonged or shortened as to commence at that certain course, N39°15'00"W 158.95 feet, as described in said Exhibit C and terminate at a line perpendicular to the terminus of said centerline.

TOGETHER WITH a 9 foot wide impact area, said area lying northwesterly of the northwesterly line of said strip.

EXCEPTING THEREFROM any portion of land lying landward of the southwesterly boundary of Parcel C as described in said Exhibit C.

PARCEL 3: (Swim Area)

BEGINNING at a point being the intersection of the south side of the 9.75 foot wide strip described in Parcel 2 with the line of that certain course, N39°15'00"W 158.95 feet, as described in Exhibit C of Boundary Line Agreement 145 recorded in Book 702 Page 502, Official Records of Nevada County, said point also bears S39°15'00"E 113.91 feet, more or less, from the northwesterly terminus of said course; thence from said point of beginning S65°10'16"W 68.33 feet; thence S24°49'44"E 14.62 feet; thence S67°12'24"E 57.56 feet; thence S42°27'20"E 11.00 feet; thence N77°36'02"E 51.14 feet to a point on the southwesterly boundary of said Exhibit C; thence along said southwesterly boundary the following two courses:

- (1) N44°30'00"W 37.18 feet;
- (2) N39°15'00"W 45.04 feet to the point of beginning.

EXCEPTING THEREFROM any portion of land lying landward of the southwesterly boundary of Parcel C as described in said Exhibit C.

PARCEL 4: (Swim Platform)

COMMENCING at the southerly terminus of that certain course, N39°15'00"W 158.95 feet, as described in Exhibit C of Boundary Line Agreement 145 recorded in Book 702 Page 502, Official Records of Nevada County; thence S32°29'15"W 44.46 feet to the corner of an existing swim platform, said corner also being the POINT OF BEGINNING; thence along the said swim platform the following four (4) courses:

- (1) N42°27'20"W 11.00 feet
- (2) S47°32'40"W 11.00 feet
- (3) S42°27'20"E 11.00 feet
- (4) N47°32'40"E 11.00 feet to the point of beginning.

PARCEL 5: (Boat Ramp)

A strip of land 24 feet wide, lying 12 feet on each side of the following described centerline, BEGINNING at a point which is the intersection of the centerline of an existing dock and the agreed boundary line described in Exhibit A of Boundary Line Agreement 145 recorded in Book 702 Page 502, Official Records of Nevada County, said point also bears S10°31'00"E 65.14 feet, more or less, from the

southerly terminus of that certain course, N34°00'00"W 70.00 feet as described in said Exhibit A; thence from said point of beginning N79°03'36"W 40.32 feet to the end of said existing dock being the terminus of said centerline.

The sidelines of the above described Parcel shall be prolonged or shortened so as to commence at the agreed boundary line of said Exhibit A and terminate at a line perpendicular to the terminus of said centerline.

EXCEPTING THEREFROM any portion of land lying landward of the agreed boundary line as described in Exhibit A of Boundary Line Agreement 145, recorded in Book 702 Page 502, Official Records of Nevada County, State of California.

PARCELS 6, 7 AND 8

Three (3) circular parcels of submerged land 20 feet in diameter lying below three (3) existing 5 mile per hour buoys, said Parcels lying southwesterly of the herein above described Parcels.

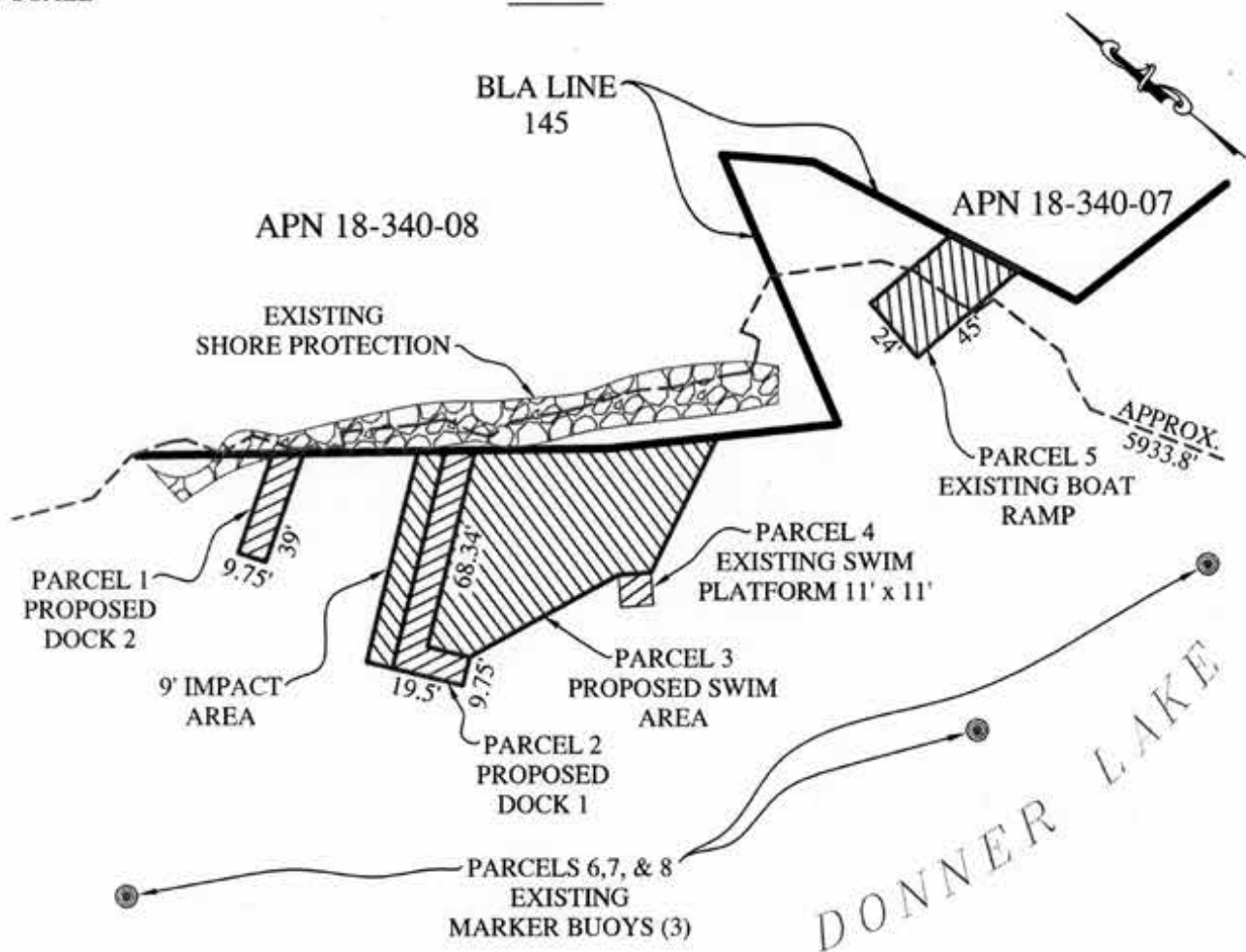
END OF DESCRIPTION

Prepared 04/14/2015 by the California State Lands Commission Boundary Unit.



NO SCALE

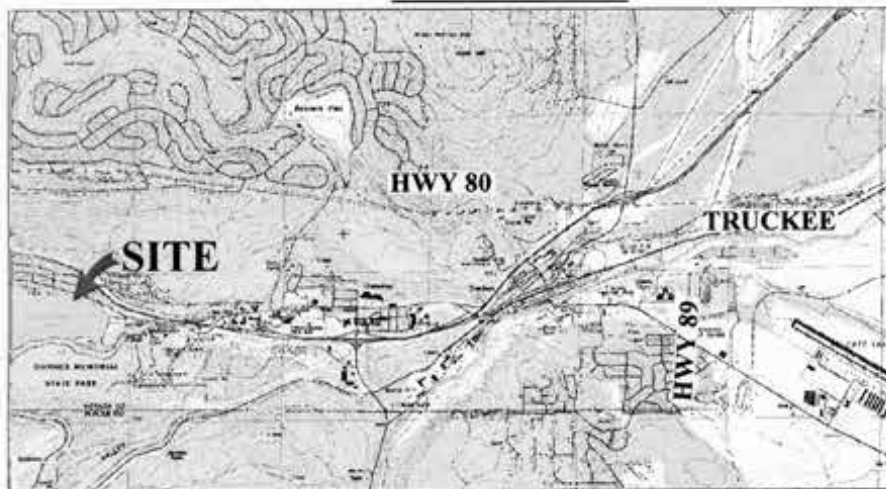
SITE



12915 & 12993 Donner Pass Road, Donner Lake

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 4909.1
TAHOE DONNER ASSN.
APN 18-340-07, 08
NON-COMMERCIAL
LEASE
NEVADA COUNTY



RGB 04/13/15

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.